

Reprint
as at 1 October 2018



Cultural Property (Protection in Armed Conflict) (Forms) Regulations 2013

(SR 2013/194)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 43 of the Cultural Property (Protection in Armed Conflict) Act 2012, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Culture and Heritage.

**Schedule
Forms**

3

Regulations**1 Title**

These regulations are the Cultural Property (Protection in Armed Conflict) (Forms) Regulations 2013.

2 Commencement

These regulations come into force on 1 July 2013.

3 Interpretation

In these regulations, **Act** means the Cultural Property (Protection in Armed Conflict) Act 2012.

4 Notice of seizure

The form mentioned in section 20(4)(b) of the Act must be as set out in form 1 of the Schedule.

5 Search warrant

The form of a search warrant for the purposes of section 23 of the Act must be as set out in form 2 of the Schedule.

6 Notice of items seized

The form of notice for the purposes of section 27 of the Act must be as set out in form 3 of the Schedule.

Schedule Forms

rr 4, 5, 6

Form 1 Notice of seizure

r 4

Section 181, Customs and Excise Act 2018 as applied by section 20, Cultural Property (Protection in Armed Conflict) Act 2012

To *[name of person known or believed to have an interest in the property or, if that person is overseas, their agent in New Zealand]*

Address: *[address at which notice is to be served]*

Property: *[describe property seized]*

1 This is to notify you that the property described above has been seized under section 178 of the Customs and Excise Act 2018, as applied by section 20 of the Cultural Property (Protection in Armed Conflict) Act 2012.

2 This was done because the property is, or is suspected of being, smuggled property (within the meaning of Part 3 of the Cultural Property (Protection in Armed Conflict) Act 2012).

[Specify the details as to why the property is considered to be smuggled property.]

3 The property was seized on *[date]*.

4 If you have an interest in the property, you may apply under section 184 of the Customs and Excise Act 2018 for a review on the grounds that there was no legal basis for the seizure.

5 Your application must be made—

- (a) in writing; and
- (b) to the chief executive of the New Zealand Customs Service at *[address]*; and
- (c) within 20 working days of the date on which this notice is given to you.

Date:

Signature:

(Customs officer)

Name:

Schedule form 1: amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Form 2
Search warrant to enter and search places or things

r 5

*Section 21, Cultural Property (Protection in Armed Conflict) Act 2012***To** [full name], a constable/every constable*

*Select one.

- 1 I am satisfied, on an application made on oath, that there are reasonable grounds for believing that there is, in or on the place or thing described in paragraph 2, property that is or is suspected of being smuggled property (within the meaning of Part 3 of the Cultural Property (Protection in Armed Conflict) Act 2012).
- 2 The place or thing is: [*address or description of place or thing that may be searched*].
- 3 The property believed to be there is: [*describe property referred to in paragraph 1*].
- 4 This warrant authorises you, at any time within [*specify period not exceeding 30 days*] from its date of issue,—
 - (a) to enter and search the place or thing described above at any time (by day or night) that is reasonable in the circumstances; and
 - (b) to use any assistance that is reasonable in the circumstances to enter and search the place or thing; and
 - (c) to use any force that is reasonable in the circumstances to enter or break open, or access any area within, the place or thing; and
 - (d) to search for and seize any property described in paragraph 3.
- 5 The power to enter and search the place or thing under this warrant may be exercised [*specify whether power may be exercised only once or, if more than once, the number of occasions*].
- 6 This warrant is issued subject to the following special condition(s): [*set out conditions (if any)*].

Date:

Signature:

Issuing officer (High Court Judge/District Court Judge or Justice of the Peace/Community Magistrate/Registrar/Deputy Registrar* who is for the time being authorised to act as an issuing officer under section 108 of the Search and Surveillance Act 2012)

*Select one.

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Name or other individual designation of the issuing officer:

Date of issue:

Form 3
Notice of property seized

r 6

Section 27, Cultural Property (Protection in Armed Conflict) Act 2012

To [*name of person known or believed to be owner of or to have an interest in the property or, if that person is overseas, their agent in New Zealand*]

Address: [*address at which notice is to be served*]

Property: [*describe property seized*]

- 1 This is to notify you that the property described above has been seized in execution of a search warrant issued under section 21 of the Cultural Property (Protection in Armed Conflict) Act 2012.
- 2 This was done because the property is or is suspected of being smuggled property (within the meaning of Part 3 of the Cultural Property (Protection in Armed Conflict) Act 2012).
- 3 A copy of the search warrant is attached.
- 4 The property was seized on [*date*].
- 5 If you own or have any other interest in the property, you may apply under section 184 of the Customs and Excise Act 2018 (as applied by section 29 of the Cultural Property (Protection in Armed Conflict) Act 2012) for a review on the grounds that there was no legal basis for the seizure.
- 6 Your application must be made—
 - (a) in writing; and
 - (b) to the chief executive of the New Zealand Customs Service at [*address*]; and
 - (c) within 20 working days of the date on which this notice is given to you.

Date:

Signature:

(Constable)

Name:

Schedule form 3: amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Rebecca Kitteridge,
Clerk of the Executive Council.

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Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 23 May 2013.

Reprints notes

1 *General*

This is a reprint of the Cultural Property (Protection in Armed Conflict) (Forms) Regulations 2013 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Customs and Excise Act 2018 (2018 No 4): section 443(4)